

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:12-cv-306-GCM

MEINEKE CAR CARE CENTERS, INC., )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
HARTCO, INC., and MICHAEL HART, )  
 )  
Defendants. )  
\_\_\_\_\_ )

ORDER

**THIS CAUSE, COMING TO BE HEARD, AND BEING HEARD** before the undersigned, upon the motion and request of Plaintiff, Meineke Car Care Centers, Inc., for entry of default judgement or order, as the case may be, against Defendants Hartco, Inc. and Michael Hart jointly and severally; and

**IT APPEARING TO THE COURT** that the Verified Complaint was filed and the Summonses were issued in this action on May 14, 2012, which Complaint and Summonses were served on Defendants Hartco, Inc. and Michael Hart on May 17, 2012; and

**IT FURTHER APPEARING TO THE COURT** that no answer or other responsive pleading was timely served or filed by Defendants and no extension of time to serve or file such a pleading has been granted and that the time for Defendants to serve or file an answer or otherwise respond to Meineke's Verified Complaint has expired; and

**IT FURTHER APPEARING TO THE COURT** that based on the default of Defendants having been duly entered according to law, and upon the application of Plaintiff in this action, judgment should be entered against Defendants jointly and severally pursuant to the Prayer for Relief of Meineke's Verified Complaint and its Motion for Default Preliminary Injunction.

**NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED**

that Defendants, their agents, servants, employees and attorneys, and all persons in active concert or participation with them who receive actual notice of this Preliminary Injunction, by personal service or otherwise:

1. Cease and refrain from, for a period of one (1) year from the date of compliance with this order, directly or indirectly (such as through corporations or other entities owned or controlled by them) owning a legal or beneficial interest in, managing, operating or consulting with: (a) any business operating at the premises of former Center No. 183 located at 1901 South Cedar Street, Lansing, Michigan 48910 or within a radius of six (6) miles of the premises of former Center No. 183 which business repairs or replaces exhaust system components, brake system components, or shocks and struts; and (b) any business operating within a radius of six (6) miles of any Meineke Center existing as of April 2, 2012, the date Defendants' Franchise Agreement terminated, which business repairs or replaces exhaust system components, brake system components, or shocks and struts.

2. Cease using and/or remove and/or have removed any names, marks, signs, forms, advertising, manuals, computer software, supplies, products, merchandise and all other things and materials of any kind which are identified or associated with the Meineke name, logo, marks or trade dress, or which contain a name, logo or mark confusingly similar to the Meineke name, logo, marks or trade dress, including, but not limited to the black and yellow signage on the building displaying the Meineke name.

3. Cease making any representation or statement that Defendants or the business located at 1901 South Cedar Street, Lansing, Michigan 48910 are in any way approved, endorsed or licensed by Meineke, or are identified with Meineke in any way.

4. Do everything required by the telephone company, including but not limited to, signing all required paperwork and paying any amount due, to release or transfer to Meineke the telephone number (517) 371-1810 now being used by Defendants' business located at 1901 South Cedar Street, Lansing, Michigan 48910 that has been advertised in conjunction with Meineke's Marks.

**IT IS SO ORDERED.**

Signed: June 26, 2012

A handwritten signature in cursive script, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
United States District Judge

